

ASSEMBLY BILL

No. 1533

Introduced by Assembly Member Lieu

February 27, 2009

~~An act to amend Section 200 of the Labor Code, relating to employment. An act relating to state employees.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1533, as amended, Lieu. ~~Employment: compensation. State employees: memoranda of understanding.~~

Existing law provides that a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of memorandum of understanding entered into between the state employer and State Bargaining Unit 16 that require the expenditure of funds, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for those provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions if funds for those provisions are not specifically appropriated by the Legislature.

~~Existing law requires employers to pay, as specified, wages earned by their employees and defines the terms “wages” and “labor” for those purposes.~~

~~This bill would make nonsubstantive changes to this definitional provision and declare the Legislature’s intent to enact legislation to address the underground economy.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares that the*
2 *purpose of this act is to approve an agreement pursuant to Section*
3 *3517.5 of the Government Code entered into by the state employer*
4 *and State Bargaining Unit 16.*

5 *SEC. 2. The provisions of the memorandum of understanding*
6 *prepared pursuant to Section 3517.5 of the Government Code and*
7 *entered into by the state employer and State Bargaining Unit 16,*
8 *and that require the expenditure of funds are hereby approved for*
9 *the purposes of subdivision (b) of Section 3517.6 of the Government*
10 *Code.*

11 *SEC. 3. The provisions of the memorandum of understanding*
12 *approved by Section 2 of this act that require the expenditure of*
13 *funds shall not take effect unless funds for these provisions are*
14 *specifically appropriated by the Legislature. If funds for these*
15 *provisions are not specifically appropriated by the Legislature,*
16 *the state employer and the affected employee organization shall*
17 *meet and confer to renegotiate the affected provisions.*

18 *SEC. 4. Notwithstanding Section 3517.6 of the Government*
19 *Code, the provisions of the memorandum of understanding included*
20 *in Section 2 that require the expenditure of funds shall become*
21 *effective even if the provisions of the memorandum of*
22 *understanding are approved by the Legislature in legislation other*
23 *than the annual Budget Act.*

24 ~~SECTION 1. It is the intent of the Legislature to enact~~
25 ~~legislation to address the underground economy.~~

26 ~~SEC. 2. Section 200 of the Labor Code is amended to read:~~

27 ~~200. The following definitions apply for purposes of this article:~~

28 ~~(a) “Wages” includes all amounts for labor performed by~~
29 ~~employees of every description, whether the amount is fixed or~~

1 ascertained by the standard of time, task, piece, commission basis,
2 or other method of calculation.
3 (b) ~~“Labor” includes labor, work, or service whether rendered~~
4 ~~or performed under contract, subcontract, partnership, station plan,~~
5 ~~or other agreement if the labor to be paid for is performed~~
6 ~~personally by the person demanding payment.~~

O